

Exhibit D

3/28/2017 1:48:19 PM
Chris Daniel - District Clerk Harris County
Envelope No. 16117546
By: Bristain Daniels
Filed: 3/28/2017 1:48:19 PM

CAUSE NO. 2017-08824

SONIA PARKER
Plaintiff

vs.

MIGUEL ALVAREZ AND
SOSA ENTERPRISES CORP.
Defendants.

IN THE DISTRICT COURT
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165th JUDICIAL DISTRICT
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§
OF HARRIS COUNTY, TEXAS

DEFENDANT SOSA ENTERPRISES CORP.'S ORIGINAL ANSWER

COMES NOW, Defendant Sosa Enterprises Corp. ("Defendant") and files this Original Answer and in support shows:

I.

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendant enters a general denial of each and every allegation in Plaintiff's Original Petition and demand strict proof thereof.

II.

Defendant request that Plaintiff respond to the disclosure requests contained in TEX. R. CIV. P. 194.2(a)-(l).

III.

The injuries and damages claimed by Plaintiff were due, in whole or in part, to events and/or conditions existing before or arising subsequent to the event made the basis of this lawsuit and were not caused by any acts or omissions of Defendant.

IV.

Pleading further, Defendant says other persons were responsible for this incident and the injuries and damages claimed by Plaintiff.

V.

Plaintiff has failed to mitigate his alleged damages.

VI.

Plaintiff's acts or omissions contributed to or caused the incident in question.

VII.

On the occasion in question, Plaintiff failed to exercise that degree of care which a person of ordinary care would have exercised in the same or similar circumstances and that such failure was the sole cause and/or proximate cause of the alleged injuries.

VIII.

Defendant invokes the limitations contained in the Texas C.P.R.C. § 41.0105 as to the recovery of medical and health care expenses. Plaintiff's recovery is limited by the amounts of reasonable and necessary medical expenses which were actually paid and incurred rather than the total amount of medical expenses charged.

IX.

Defendant is entitled to a credit against any medical expenses, damages awarded for amounts written off, discounted or not actually paid and incurred and for which Plaintiff will no longer be responsible.

X.

WHEREFORE, PREMISES CONSIDERED, Defendant Sosa Enterprises Corp. prays that upon final trial hereof the Court enter an order that Plaintiff take nothing from Defendant

and for such other and further relief to which Defendant may be justly entitled.

Respectfully submitted,

/s/ Barham Lewis

Barham Lewis

SBN: 12277400

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

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500 Dallas Street, Suite 3000

Houston, Texas 77002

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barham.lewis@odnss.com

**ATTORNEY FOR DEFENDANT SOSA
ENTERPRISES CORP.**

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of March, 2017, a true and correct copy of the foregoing document was forwarded to the following by certified mail, return receipt requested:

Jeffery T. Roebuck
ROEBUCK, THOMAS, ROBUCK & ADAMS
476 Oakland Street
Beaumont, Texas 77701
jeff@roebuckthomas.com
Tel: 409-892-8227
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/s/ Barham Lewis

Barham Lewis

3/31/2017 1:56:41 PM
Chris Daniel - District Clerk Harris County
Envelope No. 16200346
By: Justin Fitzgerald
Filed: 3/31/2017 1:56:41 PM

CAUSE NO. 2017-08824

SONIA PARKER
Plaintiff

vs.

**MIGUEL ALVAREZ AND
SOSA ENTERPRISES CORP.**
Defendants.

IN THE DISTRICT COURT

165th JUDICIAL DISTRICT

OF HARRIS COUNTY, TEXAS

DEFENDANT MIGUEL ALVAREZ' ORIGINAL ANSWER

COMES NOW, Defendant Miguel Alvarez ("Defendant") and files this Original Answer and in support shows:

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendant enters a general denial of each and every allegation in Plaintiff's Original Petition and demand strict proof thereof.

II.

Defendant request that Plaintiff respond to the disclosure requests contained in TEX. R. CIV. P. 194.2(a)-(l).

III.

The injuries and damages claimed by Plaintiff were due, in whole or in part, to events and/or conditions existing before or arising subsequent to the event made the basis of this lawsuit and were not caused by any acts or omissions of Defendant.

IV.

Pleading further, Defendant says other persons were responsible for this incident and the injuries and damages claimed by Plaintiff.

V.

Plaintiff has failed to mitigate his alleged damages.

VI.

Plaintiff's acts or omissions contributed to or caused the incident in question.

VII.

On the occasion in question, Plaintiff failed to exercise that degree of care which a person of ordinary care would have exercised in the same or similar circumstances and that such failure was the sole cause and/or proximate cause of the alleged injuries.

VIII.

Defendant invokes the limitations contained in the Texas C.P.R.C. § 41.0105 as to the recovery of medical and health care expenses. Plaintiff's recovery is limited by the amounts of reasonable and necessary medical expenses which were actually paid and incurred rather than the total amount of medical expenses charged.

IX.

Defendant is entitled to a credit against any medical expenses, damages awarded for amounts written off, discounted or not actually paid and incurred and for which Plaintiff will no longer be responsible.

X.

WHEREFORE, PREMISES CONSIDERED, Defendant Miguel Alvarez prays that upon final trial hereof the Court enter an order that Plaintiff take nothing from Defendant and for

such other and further relief to which Defendant may be justly entitled.

Respectfully submitted,

/s/ Barham Lewis

Barham Lewis

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**ATTORNEY FOR DEFENDANT SOSA
ENTERPRISES CORP.**

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of March, 2017, a true and correct copy of the foregoing document was forwarded to the following by certified mail, return receipt requested:

Jeffery T. Roebuck
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/s/ Barham Lewis

Barham Lewis